

EXHIBIT 4

RE: WSOU v. Microsoft (6:20-cv-454 to -465): Request for discovery conference

Barry Shelton [REDACTED]

Thu 10/14/2021 9:06 PM

To: Jun Zheng <Jun_Zheng@txwd.uscourts.gov>; mark waltfairpllc.com [REDACTED]

Cc: [REDACTED]
[REDACTED]

 1 attachments (38 KB)

2021-10-14 WSOU v MSFT - Proposed Order on Oct 7 Discovery Hearing.docx;

Jun,

Attached is the parties' agreed proposed order for the October 7 discovery hearing.

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a BRAZOS
LICENSING AND DEVELOPMENT,

WSOU,

v.

MICROSOFT CORPORATION,

Microsoft.

Civil Action No. 6:20-cv-00454-ADA

Civil Action No. 6:20-cv-00455-ADA

Civil Action No. 6:20-cv-00456-ADA

Civil Action No. 6:20-cv-00457-ADA

Civil Action No. 6:20-cv-00458-ADA

Civil Action No. 6:20-cv-00459-ADA

Civil Action No. 6:20-cv-00460-ADA

Civil Action No. 6:20-cv-00461-ADA

Civil Action No. 6:20-cv-00462-ADA

Civil Action No. 6:20-cv-00463-ADA

Civil Action No. 6:20-cv-00464-ADA

Civil Action No. 6:20-cv-00465-ADA

ORDER REGARDING DISCOVERY DISPUTES

This Court, having considered the parties' disputes raised during the October 7, 2021 Discovery Hearing, hereby ORDERS the following:

Microsoft's request for leave to amend its invalidity contentions is GRANTED.

Microsoft may amend its invalidity contentions with respect to the prior art references addressed during the October 7 Discovery Hearing and set forth below:

- CINEMA Prior Art (-464 action), to the extent Microsoft receives third-party source code in response to its subpoena.
- Live Communication Server (LCS) 2005 Prior Art, Microsoft_Skype_WSOU282927 (-456 action).

- Mitel Prior Art, Administrator Guide “Your Assistant 3.1,”
MS_WSOU_MITEL00000488-MS_WSOU_MITEL00000549 (-456 action).
- Microvision Prior Art, MV000561-600; MV000604-608 (-459 and -463 actions).
- BMC Prior Art, “Patrol Dashboard & Agent,” BMC-000024 to BMC-000115;
BMC-000396 to BMC-000953; BMC-000116 to BMC-000275; BMC-001828 to
BMC-001945; BMC-003359 to BMC-003388; BMC-004137 to BMC-004384;
BMC-004093 to BMC-004136; BMC-004055 to BMC-004092; BMC-003359 to
BMC-003388; BMC-003389 to BMC-003480, and other references cited in
Microsoft’s ’160 Patent Second Amended Invalidity Contentions – Exhibit F-1 (-
454 and -465 actions).
- EA source code (-457 action).

WSOU’s request to compel Microsoft to provide financial and technical documents and source code on Microsoft Teams, for the -464 action, is GRANTED. By no later than October 13, 2021, Microsoft will notify WSOU when it is that Microsoft can produce its documents relating to Microsoft Teams..

WSOU’s request to compel discovery concerning IVAS is DENIED.

WSOU’s request to compel Microsoft to print diagrams generated by WSOU’s experts using third-party software is GRANTED-IN-PART. WSOU may request up to 20 such diagrams per case, and Microsoft may apply any designation it sees fit to ensure confidentiality and clarify the source of these diagrams.

Microsoft’s request to compel WSOU to produce complete license agreements, including all attachments, and confirm that it has produced all license agreements in its possession is

GRANTED-IN-PART and DENIED-IN-PART as moot. WSOU shall produce all exhibits to the license agreements it has produced in the form they are kept in the ordinary course of business.

Microsoft's request to compel WSOU to produce financial information for the years 2017 and 2019 is GRANTED. By no later than October 15, 2021, WSOU shall produce an annual financial statement for 2017 and an annual financial statement for 2019.

Microsoft's request to compel WSOU to produce unredacted quarterly reports is GRANTED-IN-PART and DENIED-IN-PART. WSOU shall provide written verification to Microsoft that every redaction in the quarterly reports at issue was made because those redacted portions describe negotiations.

Microsoft's request to compel WSOU to produce the marketing materials identified by Matt Hogan at his deposition is GRANTED-IN-PART and DENIED-IN-PART. WSOU shall produce marketing materials corresponding to Q4 2017 and Q4 2019, the quarters in which a hypothetical negotiation may have taken place for the -453, 459, and -463 actions.

Microsoft's request to compel WSOU to produce the underlying Loan Agreement and full Security Agreement for both the BP Funding Trust and OT WSOU Terrier Holdings security interests is DENIED.

Microsoft's request to compel WSOU to search for and produce all sales and marketing documents in its possession from Aqua Licensing is DENIED as moot. WSOU is ORDERED to identify such documents by Bates number and date of production.

WSOU's request to compel Microsoft to answer Interrogatory No. 10 in the -457 action, served on September 29, 2021, is GRANTED. It is hereby ORDERED that all deadlines in the -457 action are extended by five months.

SIGNED this ____ day of October 2021.

HONORABLE ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE